



Date of Council Meeting: **October 13, 2015**

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Informational Memo

Subject: Law and Regulations Related to Public Street Parking

Staff Contact: Barbara Notar, Town Attorney

Council Action Requested: None. Informational only.

Staff Recommendation: Not applicable.

Commission Recommendation: Not applicable.

Fiscal Impact: None.

Work Plan Impact: Not applicable.

Executive Summary: Town Council requested information on how long may a person park his or her vehicle on the street in the Town before that person is required to move or relocate such vehicle. The answer is no more than 10 days.

Background: This memo assumes a vehicle is “operable”. Section 32-147(a) of the Town Code defines “inoperable” as: (1) not in operating condition; (2) partially or totally disassembled for 60 days or more; (3) not displaying a valid state license plate; or (4) not displaying a valid state inspection decal.

Section 32-149(a) permits the police to remove for safekeeping a vehicle that is: (1) left unattended on a public highway or other public property and constitutes a hazard to traffic; (2) illegally parked; (3) left unattended for more than 10 days; or (4) immobilized on a public roadway by weather conditions or other emergency situation. If that vehicle lacks a current license plate, or a county/city/town license plate or sticker, or a valid inspection sticker, and has been in a specific location for four (4) days without being moved, then such vehicle is presumed to be abandoned.

Section 32-143 prohibits a person from parking any commercial vehicle for a period in excess of four (4) hours except while loading or unloading or while involved in construction work or while performing services such as repair and/or installation of equipment within or along any town street where the land abutting the street is classified as a residential district under the Town’s Zoning Ordinance.

Further, Sections 32-238 through 32-251 lay out the regulations for residential permit parking zones. There are no specific provisions regarding the length of time a vehicle may be parked lawfully in a residential permit parking zone. However, based on a strict reading of § 32-149 and the lack of direction in the residential permit parking zone code sections, any vehicle left unattended on a public highway or other public property for more than 10 days could be removed. To support this, § 32-239 defines “residential zone” as a contiguous or nearly contiguous area containing public highways or streets or parts thereof primarily abutted by residential property or residential and non-business property such as schools, parks and churches.

The Town’s ordinance restricting parking to not more than 10 days is common. Virginia Code § 46.2-1213(A)(3), which provides the enabling authority allows the governing body of any county, city, or town to provide for the removal for safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if it is left unattended for more than 10 days either on public property or on private property without the permission of the property owner, lessee, or occupant. The following localities have the same or similar restrictions:

- Town of Vienna:
 - § 9-12.3.E.2 – Stopping, standing or parking is prohibited on any street for a continuous period of 48 hours
 - § 9-13 – No person shall park or permit to be parked or left standing in any public street, alley or other public place, any vehicle, wagon, automobile or any part thereof, unattended, for a longer continuous period of time than 48 hours
- City of Fairfax:
 - § 98-156 (a)(3) – Whenever any motor vehicle, trailer or semitrailer, or part thereof, is left unattended for more than 10 days either on public property or on private property without the permission of the property owner, lessee, or occupant...any such motor vehicle...may be removed for safekeeping by or under the direction of a law enforcement officer to a storage garage or area.
- Loudoun County
 - § 602.03(k)(3) – “Unattended motor vehicle” is defined as a motor vehicle, trailer or semitrailer that has been left unattended for more than ten days upon any public property or privately owned property in the County, without permission of the property owner or occupier.